

ATLANTA CITY COUNCIL

ACTION/MINUTES

MARCH 07, 2011

The Atlanta City Council held its Regularly Scheduled Meeting on Monday, March 07, 2011. The Meeting convened at 1:10 p.m. in the Council Chambers at City Hall. The roll was called and a quorum was declared.

PRESIDER (S): The Honorable Council President Ceasar C. Mitchell presided.

Attendance:

The following (15) voting members were present at the Meeting:

The Honorable Carla Smith *1:21	The Honorable Felicia A. Moore
The Honorable Kwanza Hall	The Honorable C. T. Martin
The Honorable Ivory Young, Jr.	The Honorable Keisha Bottoms *1:31
The Honorable Cleta Winslow *1:11	The Honorable Joyce M. Sheperd
The Honorable Natalyn Archibong *1:32	The Honorable Michael J. Bond
The Honorable Alex Wan	The Honorable Aaron Watson *1:32
The Honorable Howard Shook	The Honorable H. Lamar Willis *1:15
The Honorable Yolanda Adrean	

***Arrival Time:** - indicates arrival after convening roll call.

INVOCATION: Dr. Baron Mullis, Pastor of Morningside Presbyterian Church gave the invocation.

PLEDGE OF ALLEGIANCE: In unison, the Council recited the Pledge of Allegiance to the flag of the United States of America.

REPORT OF THE JOURNAL: Rhonda Dauphin Johnson, Municipal Clerk, certified to the Council and the Committee on Council that the **Action/Minutes** of the **February 21, 2011** Regular Meeting are true and correct. The Minutes were **FILED** without objection.

ADOPTION OF AGENDA: A Motion was made to **Adopt the Agenda**. It was properly Seconded and **CARRIED** by a roll call vote of **14 yeas; 0 nays**.

COMMUNICATIONS

Council President Ceasar C. Mitchell Presided

COMMUNICATIONS

- 11-C-0318 (1) A Communication by **Municipal Clerk Rhonda Dauphin Johnson** submitting a report of administrative corrections made to previously adopted legislation between the Council's regular meeting dates of February 21, 2011 and March 07, 2011 to the Atlanta City Council in accordance with Section 2-275 of the Atlanta City Code of Ordinances. (10-O-0877)
FILED WITHOUT OBJECTION
- 11-C-0366 (2) A Communication by **City Auditor Leslie Ward** submitting the Performance Audit Report regarding the Department of Watershed Management Claims Review.
REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION
- 11-C- 0368 (3) A Communication by **Councilmembers Natalyn M. Archibong, District 5; Alex Wan, District 6 and Aaron Watson, Post 2 At-Large** appointing Mr. Weslee Knapp to serve as a member of the Atlanta Urban Design Commission. This appointment is for a term of three (3) years, scheduled to begin on the date of Council confirmation.
REFERRED TO COMMUNITY DEVELOPMENT AND HUMAN RESOURCES COMMITTEE AND COMMITTEE ON COUNCIL WITHOUT OBJECTION
- 11-C-0370 (4) A Communication by **Councilmembers Natalyn M. Archibong, District 5; Alex Wan, District 6; Howard Shook, District 7; Yolanda Adrean, District 8 and Aaron Watson, Post 2 At-Large** appointing Mr. Matthew Arden to serve as a member of the People TV Board of Directors. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.
REFERRED TO CITY UTILITIES COMMITTEE AND COMMITTEE ON COUNCIL WITHOUT OBJECTION
- 11-C-0446 (5) A Communication by **Rhonda Dauphin Johnson** submitting to the Council Executive Order Number 2011-01 issued by Mayor Kasim Reed on March 07, 2011. (The Murphy Triangle)
FILED WITHOUT OBJECTION

VETOED LEGISLATION

Council President Ceasar C. Mitchell Presided

VETOED LEGISLATION

NONE

UNFINISHED BUSINESS

Council President Ceasar C. Mitchell Presided

UNFINISHED BUSINESS

NONE

CONSENT AGENDA SECTION I

Council President Cesar C. Mitchell Presided

CONSENT AGENDA

There was no separate discussion of the following items. If discussion on any item is desired, the item will be removed from the Consent Agenda and will be considered separately per Rules for the Conduct of Business of the Council of the City of Atlanta (As Amended), Rule XI; Order of Business, SECTION 11.2; Consent Agenda.

The following CONSENT AGENDA SECTION I received a Favorable Recommendation and was Adopted in accordance with Section 11.2 by the following roll call vote: **14 Yeas: Councilmembers Smith, Young, Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd, Bond, Watson and Willis: 0 Nays.**

SECTION I

ORDINANCES FOR SECOND READING

TRANSPORTATION COMMITTEE

KEISHA LANCE BOTTOMS, VICE-CHAIR

- 11-O-0217 (1) An Ordinance by **Transportation Committee** authorizing the Mayor to purchase a Leasehold Interest located on Toffie Terrace at Hartsfield-Jackson Atlanta International Airport for \$2,500,000.00 plus closing costs not to exceed \$20,000.00 to be charged to and paid from the FDOA Numbers listed; and for other purposes.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

FINANCE/ EXECUTIVE COMMITTEE

YOLANDA ADREAN, CHAIR

- 11-O-0322 (2) An Ordinance by **Councilmembers Yolanda Adrean, Howard Shook, Carla Smith and Felicia A. Moore as Amended by Finance/ Executive Committee** transferring funds from the District 8 Councilmember Expense Account to assist with the 2011 Buckhead Eco Collection Event; and for other purposes.
ADOPTED AS AMENDED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

CITY UTILITIES COMMITTEE

NATALYN M. ARCHIBONG, CHAIR

- 11-O-0156 (3) An Ordinance by **City Utilities Committee** authorizing the Chief Financial Officer to amend the FY 2011 (2001 Water and Wastewater Bond Fund – 5057) Budget in the amount of \$70,000.00 to transfer funds from the Capital Projects Reserve (5057) for Appropriations and to add to appropriation funds for Greensferry and Custer Avenue Sewer Separation Projects; and for other purposes.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

Council President Ceasar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

ORDINANCES FOR SECOND READING (CONT'D)

CITY UTILITIES COMMITTEE (CONT'D)

NATALYN M. ARCHIBONG, CHAIR

- 11-O-0157 (4) An Ordinance by **City Utilities Committee** authorizing the Chief Financial Officer to amend the FY 2011 (2009A Water and Wastewater Bond Fund – 5066) Budget in the amount of \$795,000.00 to transfer funds from the Capital Projects Reserve (5066) for Appropriations and to add to appropriation funds for Various Capital Projects; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS

COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE

JOYCE SHEPERD, CHAIR

- 11-O-0159 (5) An Ordinance by **Community Development/ Human Resources Committee** authorizing the Mayor's Office of Human Services to apply for a reimbursement grant award from the State of Georgia's Bright from the Start: Department of Early Care and Learning (DECAL) for the 2011 Summer Food Service Program; to proceed with the necessary steps to commence the 2011 Summer Food Service Program; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

IVORY L. YOUNG, JR., CHAIR

- 11-O-0216 (6) An Ordinance by **Public Safety and Legal Administration Committee** to accept a sub-grant from the United States Department of Homeland Security ("DHS"), to aid the City of Atlanta in its ongoing effort to protect itself from terrorist bomb attacks, through the purchase of specialized equipment for the Department of Police's Special Weapons and Tactics Unit ("SWAT"), and to amend the 2011 (Intergovernmental Grant Fund) Department of Police Budget, by adding to anticipations and appropriations in the amount of \$481,965.00; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS

Council President Ceasar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS

TRANSPORTATION COMMITTEE

KEISHA LANCE BOTTOMS, VICE-CHAIR

- 11-R-0280 (1) A Resolution by **Transportation Committee** authorizing the Mayor to execute a Lease Agreement with Federal Express Corporation for the occupancy and use of space in North Cargo Building at Hartsfield-Jackson Atlanta International Airport; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 11-R-0281 (2) A Resolution by **Transportation Committee** authorizing the Mayor to execute an Agreement and Lease covering approximately 463 square feet of space at Hartsfield-Jackson Atlanta International Airport with Jazz Aviation LP; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 11-R-0282 (3) A Resolution by **Transportation Committee** authorizing the Mayor to execute an Airport Use License Agreement with Cargoitalia S. P. A. for operations at Hartsfield-Jackson Atlanta International Airport; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 11-R-0283 (4) A Resolution by **Transportation Committee** authorizing the Mayor to execute an Airport Use License Agreement with Jazz Aviation LP for operations at Hartsfield-Jackson Atlanta International Airport; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 11-R-0284 (5) A Resolution by **Transportation Committee** authorizing the Mayor to execute an Amendment No. 19 to the Central Passenger Terminal Complex Agreement and Lease with AirTran Airways, Inc. covering the permanent surrender to the City of Atlanta of approximately 64 square feet of leased premises which are located on Concourse "C" at Hartsfield-Jackson Atlanta International Airport; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS

Council President Ceasar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

TRANSPORTATION COMMITTEE (CONT'D)

KEISHA LANCE BOTTOMS, VICE-CHAIR

11-R-0285 (6) A Resolution by **Transportation Committee** increasing the Compensation limit for Contract No. FC-3007000042; Document Control Scanning Services, with Image Management Solutions, Inc., in the amount of \$90,000.00, to fund additional scanning services on behalf of the Department of Aviation. All services shall be charged to and paid from the FDOA Numbers listed; and for other purposes.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

11-R-0286 (7) A Resolution by **Transportation Committee** authorizing the Mayor to execute a Reimbursable Agreement with Atlanta Airlines Terminal Corporation for the Automated People Mover Automatic Train Control Equipment Room Heating Ventilations Air Conditioning (HVAC) Project in an amount not to exceed \$178,880.00, to be charged to and paid from the PTAE0 and FDOA Numbers listed; and for other purposes.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

11-R-0287 (8) A Resolution by **Transportation Committee** authorizing the Aviation General Manager, or his designee, to issue Task Orders under Contract No. FC-3007000038-C, Managing General Contractors with New South Construction Company, Inc./ Circle D Enterprises, LLC, a Joint Venture, in an amount not to exceed \$1,640,000.00 for Central Passenger Terminal Complex Improvements at Hartsfield-Jackson Atlanta International Airport; all services will be charged to and paid from the PTAE0 and FDOA Numbers listed; and for other purposes.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

FINANCE/ EXECUTIVE COMMITTEE

YOLANDA ADREAN, CHAIR

11-R-0270 (9) A Resolution by **Finance/ Executive Committee** authorizing the reemployment of Clarence G. Griffin, as a Legal Program Assistant in the Department of the Office of the City Solicitor at Salary Grade 13, \$33,396.00 pursuant to §3-505(c) of the Charter of the City of Atlanta; and for other purposes.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

Council President Ceasar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

FINANCE/ EXECUTIVE COMMITTEE (CONT'D)

YOLANDA ADREAN, CHAIR

- 11-R-0271 (10) An **Amended** Resolution by **Finance/Executive Committee** authorizing the Mayor or his designee to execute the First Amendment to the Intergovernmental Agreement between the City of Atlanta and the Atlanta Development Authority, authorized by Resolution 09-R-0819, so savings from the Fire Station Project may be used for other redevelopment costs within the Perry/ Bolton TAD; and for other purposes.
ADOPTED AS AMENDED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 11-R-0272 (11) An **Amended** Resolution by **Finance/Executive Committee** authorizing the Mayor or his designee to execute a Sole Source Agreement with Comsquared Systems, Inc., for the UniSearch Document Management System for nine (9) months with an effective date of April 1, 2011, on behalf of the Department of Information Technology, in an amount not to exceed \$121,297.50, to be charged to and paid from the FDOA Numbers listed; and for other purposes.
ADOPTED AS AMENDED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 11-R-0273 (12) A Resolution by **Finance/Executive Committee** authorizing the Mayor to enter into an Agreement with Oracle USA, Inc., utilizing Federal GSA Contract GS-35F-0009T Service Contract No. 3795831 for Call Center CRM Application Technical Support Services, on behalf of the Department of Watershed Management, in an amount not to exceed \$51,190.94; all contracted work will be charged to and paid from the FDOA Numbers listed; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 11-R-0274 (13) An **Amended** Resolution by **Finance/Executive Committee** authorizing the Mayor to enter into a Cooperative Purchasing Agreement pursuant to §2-1606 of the City of Atlanta Code of Ordinances, with Covetrix, LLC utilizing the General Services Administration ("GSA") Contract #GS-35F-0742N, for a Software Utility for Website Monitoring, Blocking and Reporting, in an amount not to exceed \$34,375.00 for a one year period; to be charged to and paid from the FDOA Numbers listed; and for other purposes.
ADOPTED AS AMENDED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

Council President Cesar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

FINANCE/ EXECUTIVE COMMITTEE (CONT'D)

YOLANDA ADREAN, CHAIR

11-R-0275 (14) An **Amended** Resolution by **Finance/Executive Committee** authorizing the Mayor or his designee to enter into a Cooperative Purchasing Agreement pursuant to Section 2-1602 of the City of Atlanta Code of Ordinances, utilizing the General Services Administration Contract Number GS-35F-0240T with Symantec Corporation for the purchase of Netbackup Software Licenses, Maintenance and Support for one (1) year beginning March 27, 2011 on behalf of the Department of Information Technology in an amount not to exceed \$82,531.56; all contracted work shall be charged to and paid from the FDOA Numbers listed; and for other purposes.

ADOPTED AS AMENDED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

11-R-0276 (15) A Resolution by **Finance/Executive Committee** authorizing the Mayor or his designee to enter into a Cooperative Purchasing Agreement made pursuant to Section 2-1602 of the City of Atlanta Code of Ordinances, utilizing the GSA Schedule GS-35F-0009T with Oracle USA, Inc., for Oracle Contract #2016306, Real Application Cluster Software Maintenance and Support for the ERP Application, for one (1) year starting May 30, 2011 on behalf of the Department of Information Technology in an amount not to exceed \$48,967.74; all contracted work shall be charged to and paid from the FDOA Numbers listed; and for other purposes.

ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

11-R-0277 (16) A Resolution by **Finance/Executive Committee** authorizing the Mayor or his designee to enter into a Cooperative Purchasing Agreement made pursuant to Section 2-1602 of the City of Atlanta Code of Ordinances, utilizing the GSA Schedule GS-35F-0009T with Oracle USA, Inc., for Oracle Contract #2118646, Oracle Database Software Maintenance and Support for the ERP Application, for one (1) year beginning April 8, 2011 on behalf of the Department of Information Technology in an amount not to exceed \$57,713.32; all contracted work shall be charged to and paid from the FDOA Numbers listed; and for other purposes.

ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

Council President Cesar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

FINANCE/ EXECUTIVE COMMITTEE (CONT'D)

YOLANDA ADREAN, CHAIR

- 11-R-0278 (17) A Resolution by **Finance/ Executive Committee** authorizing the Mayor or his designee to exercise Renewal Option Number Three (3) with Oracle USA, Inc., for 15 Modules of the E-Business Suite Software Support and Maintenance for Contract Number 2086579 utilizing General Services Administration Contract Number GS-35F-0009T on behalf of the Department of Information Technology, in an amount not to exceed \$296,154.25; all contracted work will be charged to and
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 11-R-0279 (18) A Resolution by **Finance/ Executive Committee** authorizing the Mayor or his designee to exercise Renewal Option Number Three (3) with Oracle USA, Inc., for 9 Modules of the E-Business Suite Software Support and Maintenance for Contract Number 2710958 utilizing General Services Administration Contract Number GS-35F-0009T on behalf of the Department of Information Technology, in an amount not to exceed \$289,535.38; all contracted work will be charged to and paid from the FDOA Numbers listed; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 11-R-0335 (19) A Resolution by **Finance/ Executive Committee** authorizing the Chief Procurement Officer to utilize Georgia State Contract #980-2800008 to purchase community technology from Motorola to improve the communication capabilities of the City of Atlanta ("City") during terrorist attack, severe weather, or other large scale emergency event, on behalf of the Department of Police ("Department"), in an amount not to exceed \$50,000.00. All costs shall be charged to and paid from a grant from the United States Department of Homeland Security approved by the City Council of Atlanta, from the FDOA Numbers listed; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

Council President Cesar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

CITY UTILITIES COMMITTEE

NATALYN M. ARCHIBONG, CHAIR

- 11-R-0267 (20) A Resolution by **City Utilities Committee** to authorize payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$6,000.00 as stipulated penalties for the violation of monitoring and sampling standards as pursuant to the CSO Consent Decree, Civil Action File No. 1:98-CV-1956-TWT; to identify the source of funding; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS

COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE

JOYCE SHEPERD, CHAIR

- 11-R-0263 (21) A Resolution by **Community Development/ Human Resources Committee** authorizing the Mayor to enter into Amendment Agreement No. 1, with Ed Castro Landscaping Services for FC-5068, Annual Contract for Landscaping Services for various parks on behalf of the Department of Parks, Recreation and Cultural Affairs, in an amount not to exceed \$925,000.00; all contracted work will be charged to and paid from the Project Task Award Expenditure Account and Organization Numbers and Fund Department Organization and Account Numbers listed herein; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

IVORY L. YOUNG, JR., CHAIR

- 11-R-0310 (22) A Resolution by **Public Safety and Legal Administration Committee** authorizing the settlement of all claims against the City of Atlanta in the case of Sharon Alphabet, et al. v. City of Atlanta, Georgia, Civil Action File No. 2008-EV-004112, Fulton County State Court, in the total amount of \$82,000.00; authorizing said payment to be paid from the Fund and Account Number listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS

Council President Cesar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)
IVORY L. YOUNG, JR., CHAIR

11-R-0312 (23) A Resolution by **Public Safety and Legal Administration Committee** authorizing the settlement of all claims against the City of Atlanta in the case of Glen Rainey, Jr. v. City of Atlanta, Georgia, Civil Action File No. 2006-VS-098244, Fulton County State Court, in the total amount of \$85,000.00; authorizing said payment to be paid from the Fund and Account Number listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.

ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS

11-R-0331 (24) A Resolution by **Public Safety and Legal Administration Committee** authorizing the settlement of all claims against the City of Atlanta in the case of Brian Reid v. City of Atlanta, et al., Civil Action File No. 1:08-cv-01846-JOF, in the United States District Court for the Northern District of Georgia, Atlanta Division, in the total amount of \$175,000.00 to be charged to and paid from the Fund and Account Number listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.

ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS

Claims with favorable recommendations:

11-R-0288 (1) Claim of **Copwatch of East Atlanta and Marlon Kautz, through their attorney, Gerald Weber, Attorney at Law (APD/02)**, for damages alleged to have been sustained when a cell phone was seized by police during an arrest on April 22, 2010 at 1150 Euclid Avenue, NE. **\$40,000.00**

ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS

11-R-0289 (2) Claim of **GEICO Insurance Company, as subrogee of Rajeev Sinha (DPW/02)**, for property damages alleged to have been sustained from an automobile accident on May 4, 2010 at Northside Drive, NW and 14th Street, NW. **\$13,988.21**

ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS

Council President Ceasar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS/ CLAIMS (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)
IVORY L. YOUNG, JR., CHAIR

Claims with favorable recommendations: (Cont'd)

- 11-R-0290 (3) Claim of **Ameriprise, as subrogee of Beverly and Robert Wilkes (DPW/ 12)**, for damages alleged to have been sustained as a result of a vehicular accident on July 15, 2010 at Lakewood Avenue and McDonough Boulevard. **\$4,458.05**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 11-R-0291 (4) Claim of **Georgia Department of Transportation (DWM/ 11)**, for damages alleged to have been sustained from an automobile accident on August 23, 2010 at I-285 and Cascade Road, SW. **\$1,011.80**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 11-R-0292 (5) Claim of **Aarons Tabernacle Church, c/o Kimberly Edwards (AFR/ 09)**, for vehicular damages alleged to have been sustained from an automobile accident on November 4, 2010 at Browntown Road, NW. **\$4,119.00**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 11-R-0293 (6) Claim of **James C. Ponder, Jr. (APD/ 04)**, for damages alleged to have been sustained from an automobile accident on July 30, 2010 at 369 McDaniel Street, SW. **\$764.86**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 11-R-0294 (7) Claim of **Gabriela Chico-Farias and Ortiz Chico Sanjuanita (APD/ 10)**, for property damages alleged to have been sustained from an automobile accident on September 28, 2010 at Campbellton Road, SW and Fairburn Road, SW. **\$3,654.23**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS

Claims with unfavorable recommendations:

- 11-R-0295 (8) Claim of **Christina Callaghan (DWM/ 08)**, for vehicular damages alleged to have been sustained after driving over a construction cut in the road on October 28, 2010 at 24 West Wieuca Road, NE.

**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

Council President Ceasar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS/ CLAIMS (CONT'D)

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)
IVORY L. YOUNG, JR., CHAIR**

Claims with unfavorable recommendations: (Cont'd)

- 11-R-0296 (9) Claim of **Kraft Foods c/o Mike Melear (DPW/ 09)**, for property damages alleged to have been sustained when a vehicle struck a bridge due to incorrect clearance signage on August 30, 2010 at Bolton Road, NW and Marietta Road, NW.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**
- 11-R-0297 (10) Claim of **James W. Johnson, through his attorney, Morgan & Morgan (DOA/ NA)**, for bodily injuries alleged to have been sustained from a fall on July 31, 2010 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**
- 11-R-0298 (11) Claim of **Robert Paul, through his attorney, Hartman, Simons, Spielman & Wood, LLP (DWM/ 09)**, for property damages alleged to have been sustained from storm sewer overflow on September 21, 2009 at 2913 Delray Drive, NW.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**
- 11-R-0299 (12) Claim of **Robert Paul, through his attorney, Hartman, Simons, Spielman & Wood, LLP (DWM/ 09)**, for property damages alleged to have been sustained from storm sewer overflow from 2001 through 2008 at 2913 Delray Drive, NW.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**
- 11-R-0300 (13) Claim of **Shamica Hubbard, through her attorney, Anderson & Welch, LLC (OEAM/ 02)**, for bodily injuries alleged to have been sustained from an automobile accident on April 9, 2009 at Memorial Drive and Capitol Avenue.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**
- 11-R-0301 (14) Claim of **Gonnie Donald Howell (NA/ 11)**, for vehicular damages alleged to have been sustained after driving over a pothole on November 27, 2010 at State Route 166 and Delowe Drive, SW eastbound ramp.

**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEARS;
0 NAYS**

Council President Ceasar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS/ CLAIMS (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)
IVORY L. YOUNG, JR., CHAIR

Claims with unfavorable recommendations: (Cont'd)

- 11-R-0302 (15) Claim of **Margarethe Tower**, through her attorney, **Morgan & Morgan (DOA/ NA)**, for bodily injuries alleged to have been sustained from a fall on August 1, 2010 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEARS;
0 NAYS**
- 11-R-0303 (16) Claim of **Deborah A. King (APD/ 02)**, for property damages alleged to have been sustained when a vehicle was vandalized and stolen on April 10, 2010 at 21 Ellis Street and Peachtree Street, NE.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEARS;
0 NAYS**
- 11-R-0304 (17) Claim of **Kaci McCamy (DPRCA/ 08)**, for property damages alleged to have been sustained when a tree limb struck a mailbox and street lantern light on November 10, 2010 at 2218 Riada Drive, NW.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEARS;
0 NAYS**
- 11-R-0305 (18) Claim of **Philip Pledger (DPW/ 02)**, for vehicular damages alleged to have been sustained after driving over a pothole on April 6, 2010 at North Avenue and Williams Street, NW.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEARS;
0 NAYS**
- 11-R-0306 (19) Claim of **Jarrett Thornton (NA/ 02)**, for property damages alleged to have been sustained from driving over a metal plate that was partially covering a construction site on November 1, 2010 at Freedom Parkway and Fort Street.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEARS;
0 NAYS**
- 11-R-0307 (20) Claim of **Ralston L. Williams**, through his attorney, **Michael J. Moran, Montlick & Associates (DOA/ NA)**, for bodily injuries alleged to have been sustained when an escalator malfunctioned on May 22, 2010 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.

ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS

Council President Ceasar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS/ CLAIMS (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)
IVORY L. YOUNG, JR., CHAIR

Claims with unfavorable recommendations: (Cont'd)

- 11-R-0308 (21) Claim of **Mary Rush Pye, as subrogee of First Acceptance Services, Inc., (APD/ 09)**, for property damages alleged to have been sustained from an automobile accident on May 8, 2010 at Browntown Road, NW and James Jackson Parkway, NW.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 11-R-0309 (22) Claim of **Kalycia Bardowell, through her attorney, Jordan & Bodner (DOA/ NA)**, for bodily injuries alleged to have been sustained from a fall on June 19, 2010 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS

**CONSENT AGENDA
SECTION II**

Council President Ceasar C. Mitchell Presided

CONSENT AGENDA

SECTION II

ORDINANCES FOR FIRST READING

FINANCE/ EXECUTIVE COMMITTEE
YOLANDA ADREAN, CHAIR

All items on Consent Agenda Section II (01 through 09 as follows) were Referred to the appropriate committees as a collective vote.

11-O-0268 (1) An Ordinance by **Finance/ Executive Committee** authorizing the Mayor to enter into an Amended Agreement No. 1 for the Constructed Wetlands Project Cost Share Agreement located in McDaniel Branch with the United States Army Corps of Engineers ("USACE") to include an additional property located on Land Lot F0073 of the 14th (FF) District, Fulton County Georgia Parcel Number 14F-0073-LL-074-9; to authorize the Mayor to enter into an Agreement with property owners and other appropriate documents for the acquisitions of the properties to include in the Constructed Wetlands Project Costs Share Agreement located in McDaniel Branch; to waive portions of Article X of the Procurement and Real Estate Code; to authorize the City Attorney to use the assistance of outside counsel to effectuate the acquisition; to authorize the Chief Procurement Officer to obtain title work, surveys, environmental tests, appraisals and other appropriate due diligence items to effectuate the acquisition of the property; to charge and pay for acquisition costs from the FDOA Numbers listed; and for other purposes.

REFERRED TO FINANCE/ EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

11-O-0269 (2) An Ordinance by **Finance/ Executive Committee** to amend the Fiscal Year 2011 Northwest Atlanta (Perry/ Bolton) Fund Budget by amending Ordinance 10-O-0901 to anticipate and appropriate Tax Allocation Increment in the amount of \$4,500,000.00 from the City of Atlanta Northwest Atlanta (Perry/ Bolton) Tax Allocation District for the purpose of constructing and equipping a new Northwest Atlanta Fire Station, a Mini-Police Precinct, and a Community Assembly Room ("Fire Station 28 Project"); and for other purposes.

REFERRED TO FINANCE/ EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

11-O-0317 (3) An Ordinance by **Finance/ Executive Committee** authorizing the Mayor to amend a Lease Agreement with the Atlanta City Employees Credit Union for approximately 1,068 square feet of office space at 226 Peachtree Street, SE, in Land Lot 77 of the 14th District of Fulton County, Georgia; and for other purposes.

REFERRED TO FINANCE/ EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

Council President Ceasar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION II (CONT'D)

ORDINANCES FOR FIRST READING (CONT'D)

CITY UTILITIES COMMITTEE

NATALYN M. ARCHIBONG, CHAIR

- 11-O-0266 (4) An Ordinance by **City Utilities Committee** authorizing the Chief Financial Officer to amend the FY 2011 Budget (2009A Water and Wastewater Fund (5066) Budget, in the amount of \$28,789,000.00 to transfer funds from completed, realigned, postponed or discontinued projects to the Capital Projects Reserve for Appropriations; and for other purposes.

REFERRED TO CITY UTILITIES COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

- 11-O-0315 (5) An Ordinance by **City Utilities Committee** authorizing the sale of the City's interest in a narrow strip of land located at the southwest corner of Kendall Street and Alaska Avenue, in Land Lot 19 of the 14th District of Fulton County, Georgia; authorizing the Mayor to execute a Quitclaim Deed to the abutting property owner upon payment of the Fair Market Value; and for other purposes.

REFERRED TO CITY UTILITIES COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE

JOYCE SHEPERD, CHAIR

- 11-O-0259 (6) An Ordinance by **Community Development/ Human Resources Committee** amending the Fiscal Year 2011 (Intergovernmental Grant Fund) Budget, Office of the Mayor, by adding to anticipations and appropriations in the amount of \$725,487.91 from the State of Georgia's Bright from the Start: Department of Early Care and Learning (DECAL) for the 2011 Summer Food Service Program; and for other purposes.

REFERRED TO COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

- 11-O-0260 (7) An Ordinance by **Community Development/ Human Resources Committee** to eliminate Recreational Competition Spectator Fees currently charged by the City, by deleting in its entirety Section 110-3 (d)(l)(c) of the Atlanta Code of Ordinances; and for other purposes.

REFERRED TO COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

Council President Ceasar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION II (CONT'D)

ORDINANCES FOR FIRST READING (CONT'D)

COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE (CONT'D)
JOYCE SHEPERD, CHAIR

- 11-O-0261 (8) An Ordinance by **Community Development/ Human Resources Committee** to treat the Atlanta Pride Festival as having occurred in Piedmont Park during Columbus Day weekend for three consecutive years for purposes of approving Atlanta Pride Festival dates in the future, as dictated by Atlanta Code of Ordinances Section 142-12 (a)(2); and for other purposes.
REFERRED TO COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE
IVORY L. YOUNG, JR., CHAIR

- 11-O-0316 (9) An Ordinance by **Public Safety and Legal Administration Committee** amending Chapter 98, Article IV, Division 2, Section 98-155; Chapter 114, Article IV, Division 7, Subdivision II, Sections 114-229, 114-230 and 114-236, so as to change the non-discretionary rank of Corrections Captain to a discretionary rank; to repeal conflicting ordinances; and for other purposes.
REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

COMMITTEE REPORTS

Council President Ceasar C. Mitchell Presided

COMMITTEE REPORTS

TRANSPORTATION COMMITTEE (1)

KEISHA LANCE BOTTOMS, VICE-CHAIR

Attendance at the March 02, 2011 meeting of the Transportation Committee was as follows:

Present: Councilmembers Bottoms (Vice-Chair), Moore, Smith, Willis and Bond

Absent: Councilmembers Martin and Adrean

The Standing Committee of Transportation did not have a report.

Council President Ceasar C. Mitchell Presided

COMMITTEE REPORTS (CONT'D)

FINANCE/ EXECUTIVE COMMITTEE (1)
YOLANDA ADREAN, CHAIR

Attendance at the March 02, 2011 meeting of the Finance/Executive Committee was as follows:

Present: Councilmembers Adrean (Chair), Shook, Moore, Wan and Willis

Absent: Councilmembers Martin and Watson

ORDINANCES FOR SECOND READING

11-O-0326 (1) An Ordinance by **Councilmembers Howard Shook, H. Lamar Willis, Carla Smith, Yolanda Adrean, Felicia A. Moore, Michael Julian Bond and Aaron Watson** transferring funds from the District 7 Councilmember Expense Account to assist with the 2011 Buckhead Eco Collection Event; and for other purposes.

Chairperson Adrean sounded the caption to Ordinance 11-O-0326 and stated the recommendation from committee was Favorable on Condition (receive substitute). Following, Chairperson Adrean made a Motion to bring forth the Substitute. It was properly Seconded and CARRIED by a roll call vote of 14 yeas; 0 nays. The Substitute was before the Council. Ms. Adrean then sounded the Substitute and made a Motion to Adopt on Substitute. Without Objection, the Motion CARRIED by a roll call vote of 14 yeas; 0 nays.

ADOPTED SUBSTITUTE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

11-O-0327 (2) An Ordinance by **Councilmembers Aaron Watson, Michael Julian Bond, Kwanza Hall, Ivory Young, Jr., H. Lamar Willis and Keisha Lance Bottoms as Amended by Finance/ Executive Committee** concerning the Atlanta Streetcar Project that will authorize; (1) the execution by the Mayor of such documents as may be required by the Secretary of Transportation in order to obligate the funding preliminary approved with respect to that discretionary Grant Awarded to the City under funding included in the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act for 2010 for National Infrastructure Improvements; (2) the execution by the Mayor of an Intergovernmental Agreement ("IGA") with the Metropolitan Atlanta Rapid Transit Authority ("MARTA") and the Downtown Atlanta Community Improvement District ("DACID") setting forth the terms under which the parties will allocate local share funding obligations, procure, design, construct and initially operate the project; (3) the execution by the Mayor of Agreements for the procurement of rolling stock that may be used as the local share

Council President Ceasar C. Mitchell Presided

COMMITTEE REPORTS (CONT'D)

FINANCE/ EXECUTIVE COMMITTEE (2)
YOLANDA ADREAN, CHAIR

ORDINANCES FOR SECOND READING (CONT'D)

11-O-0327 (2)
(Cont'd) obligation for future federally funded transit projects using \$9,049,089.00 in surplus funds held in the project coverage fund established under a Tax Custody Agreement dated December 1, 2005 among the City of Atlanta, Fulton County Recreation Authority, the Atlanta Development Authority and Regions Bank and appropriate those funds to such procurement; (4) the Chief Financial Officer to create the Accounts necessary to receive any Grant Funds, local share obligation funds to be provided by DACID or additional appropriations necessary to carry out the intent of this ordinance and expend the funds kept in such accounts; and for other purposes.

Chairperson Adrean sounded the caption to Ordinance 11-O-0327 and stated the Motion from committee was Favorable as Amended. A discussion ensued. Following, the Motion to Adopt as Amended CARRIED by a roll call vote of 12 yeas; 3 nays.

**ADOPTED AS AMENDED BY A ROLL CALL VOTE OF 12 YEAS;
3 NAYS**

RESOLUTIONS

10-R-1663 (1) A Resolution by **Finance/ Executive Committee** authorizing the Mayor to execute Renewal Agreement No. 1 with MSB Government Services, for FC-4678, Financial Collections, on behalf of the Department of Finance, at a Compensation Rate of 19.8% of the Principal Amount collected to be charged to and paid from Fund, Department Organization and Account Numbers listed; all funds collected will be deposited to the Fund, Department Organization and Account Numbers listed; and for other purposes.

**FILED BY A UNANIMOUS ROLL CALL VOTE OF 15 YEAS; 0
NAYS**

11-R-0329 (2) A Resolution by **Councilmembers Felicia A. Moore, Howard Shook, Michael Julian Bond, H. Lamar Willis, Aaron Watson, Joyce M. Sheperd, Keisha Lance Bottoms, Natalyn Archibong, Yolanda Adrean and Alex Wan as Amended by Finance/ Executive Committee** of the Atlanta City Council expressing its intention to enlist the services of professionals in the Review and Evaluation of Data used in the report and presentation of the 2011 Pension Panel; and for other purposes.

Council President Ceasar C. Mitchell Presided

COMMITTEE REPORTS (CONT'D)

FINANCE/ EXECUTIVE COMMITTEE (3)
YOLANDA ADREAN, CHAIR

RESOLUTIONS (CONT'D)

11-R-0329 (2)
(Cont'd) **Chairperson Adrean sounded the caption to Resolution 11-R-0329 and stated the recommendation from committee was Favorable as Amended. An extensive discussion ensued, during which, Councilmember Willis Called the Question. It was properly Seconded and the Motion CARRIED by a roll call vote of 14 yeas; 1 nay. Subsequently, the Motion to Adopt as Amended CARRIED by a roll call vote of 14 yeas; 1 nay.**

**ADOPTED AS AMENDED BY A ROLL CALL VOTE OF 14 YEAS;
1 NAY**

Council President Ceasar C. Mitchell Presided

COMMITTEE REPORTS (CONT'D)

COMMITTEE ON COUNCIL (1)

FELICIA A. MOORE, CHAIR

COMMUNICATIONS

Attendance at the March 07, 2011 meeting of the Committee on Council was as follows:

Present: Councilmembers Moore (Chair), Archibong, Adrean, Sheperd and Winslow

Absent: Councilmember Hall

The following Communications (01 through 05) were taken as a collective vote.

11-C-0254 (1) A Communication from **Chair, Elizabeth B. Coyle, BeltLine Network, Inc., to President Ceasar C. Mitchell and Members of Council**, submitting their appointment of Ms. Harriet Macklin to the BeltLine Tax Allocation District (TAD) Advisory Committee in the area of Affordable Housing and Neighborhood Stabilization. This appointment is for a term of two (2) years retroactive to January 01, 2011, scheduled to begin on the date of Council confirmation. (Favorable by Community Development/ Human Resources Committee 3/1/11.)
CONFIRMED BY A UNANIMOUS ROLL CALL VOTE OF 15 YEAS; 0 NAYS

11-C-0255 (2) A Communication from **Mark Massey, Clerk to the Commission, to Council President Ceasar C. Mitchell**, submitting the Fulton County Board of Commissioners' appointment of Ms. Danielle Jones (Position 6) to serve as the County's Representative on the BeltLine Tax Allocation District (TAD) Advisory Committee. This appointment is for a term of two (2) years retroactive to January 01, 2011, scheduled to begin on the date of Council confirmation. (Favorable by Community Development/ Human Resources Committee 3/1/11.)
CONFIRMED BY A UNANIMOUS ROLL CALL VOTE OF 15 YEAS; 0 NAYS

11-C-0256 (3) A Communication from **Chris Breeden, Chairman, Buckhead Area Transportation Management Association (BATMA), to Municipal Clerk Rhonda Dauphin Johnson**, submitting their appointment of Ms. Denise Starling to serve as a member of the SPI-9 Buckhead Village District Development Review Committee. (Favorable by Zoning Committee 3/2/11.)
CONFIRMED BY A UNANIMOUS ROLL CALL VOTE OF 15 YEAS; 0 NAYS

Council President Ceasar C. Mitchell Presided

COMMITTEE REPORTS (CONT'D)

COMMITTEE ON COUNCIL (2)

FELICIA A. MOORE, CHAIR

COMMUNICATIONS (CONT'D)

11-C-0257 (4) A Communication from **Jim Durrett, Executive Director, Buckhead Community Improvement District, to Municipal Clerk Rhonda Dauphin Johnson**, submitting their appointment of Ms. Bonnie Dean to serve as a member of the SPI-9 Buckhead Village District Development Review Committee. (Forwarded with no Recommendation Zoning Committee 3/2/11.)
CONFIRMED BY A UNANIMOUS ROLL CALL VOTE OF 15 YEAS; 0 NAYS

11-C-0313 (5) A Communication from **Charletta Wilson Jacks, Director, Bureau of Planning, to Municipal Clerk Rhonda Dauphin Johnson**, submitting the appointment of Mr. Karl Smith-Davids to serve as a member of the SPI-9 Buckhead Village district Development Review Committee. (Favorable by Zoning Committee 3/2/11.)
CONFIRMED BY A UNANIMOUS ROLL CALL VOTE OF 15 YEAS; 0 NAYS

ORDINANCE FOR FIRST READING

11-O-0369 (1) An Ordinance by **Committee on Council** to amend Chapter 114, Personnel, Article IV, Classification Plan of the Code of Ordinances, City of Atlanta, Georgia so as to provide for a certain position creation and abolishment in the Department of City Council, Office of the Municipal Clerk; and for other purposes.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE BY A UNANIMOUS ROLL CALL VOTE OF 15 YEAS; 0 NAYS

Council President Ceasar C. Mitchell Presided

COMMITTEE REPORTS (CONT'D)

CITY UTILITIES COMMITTEE (1)

NATALYN M. ARCHIBONG, CHAIR

Attendance at the March 01, 2011 meeting of the City Utilities Committee was as follows:

Present: Councilmembers Archibong (Chair), Shook, Adrean, Watson, Willis and Smith

Absent: Councilmember Martin

The Standing Committee of City Utilities did not have a report.

Council President Ceasar C. Mitchell Presided

COMMITTEE REPORTS (CONT'D)

COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE (1)

JOYCE SHEPERD, CHAIR

Attendance at the March 01, 2011 meeting of the Community Development/Human Resources Committee was as follows:

Present: Councilmembers Sheperd (Chair), Wan, Young, Archibong, Hall, Winslow and Bond

Absent: None

RESOLUTION

- 11-R-0262 (1) A Resolution by **Community Development/ Human Resources Committee** authorizing the Mayor, on behalf of the City, to participate with the Bitsy Grant Tennis Association, Inc., in performing certain maintenance and repair work on the Bitsy Grant Tennis Center Clubhouse, by providing an amount not to exceed \$540,000.00 toward the project, where \$500,000.00 shall be charged to and paid from the Bitsy Grant Tennis Center Trust Account, and \$40,000.00 shall be charged to and paid from CDBG grant money, and where the specific Account Segment Numbers utilized shall be as set forth in this resolution; and for other purposes.
ADOPTED BY A UNANIMOUS ROLL CALL VOTE OF 15 YEAS; 0 NAYS

Council President Ceasar C. Mitchell Presided

COMMITTEE REPORTS (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (1)

IVORY L. YOUNG, JR., CHAIR

Attendance at the March 01, 2011 meeting of the Public Safety and Legal Administration Committee was as follows:

Present: Councilmembers Young (Chair), Sheperd, Adrean, Bottoms, Wan and Bond

Absent: Councilmember Martin

RESOLUTION

11-R-0311 (1) A Resolution by **Public Safety and Legal Administration Committee** authorizing the settlement of all claims against the City of Atlanta in the case of Ebony Anderson, et al. v. City of Atlanta, Georgia, Civil Action File No. 2008-EV-003830, Fulton State Court, in the total amount of \$1,500,000.00; authorizing \$975,000.00 to be paid from the Fund and Account Number listed and \$525,000.00 from the Fund and Account Number listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.

Note: Councilmember Bottoms stated for the record her abstention to 11-R-0311 was due to a potential conflict of interest – separate litigation matter involving one of the defendants.

ADOPTED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS; 1 ABSTENTION

Council President Ceasar C. Mitchell Presided

COMMITTEE REPORTS (CONT'D)

ZONING COMMITTEE (1)

AARON WATSON, CHAIR

Attendance at the March 02, 2011 meeting of the Zoning Committee was as follows:

Present: Councilmembers Watson (Chair), Winslow, Shook, Young, Bottoms and Smith

Absent: Councilmember Hall

ZONING REVIEW BOARD SUMMARY REPORT ITEMS

The following Ordinances (01 through 02) were taken as a collective vote.

10-O-1888 (1) An **Amended** Ordinance by **Zoning Committee** granting a Special
U-10-33 Use Permit under the provisions of Section 16-11.005 (1) (1) for outdoor dining at eating and drinking establishments when any part of such use is located within 1,000 feet of property that is zoned as an R- or RG district property located at **3700-3802 Roswell Road, N.W.**, fronting 600 feet on the west side of Roswell Road beginning 137 feet from the northeast corner of Powers Ferry Road. Depth: approximately 450 feet; Area: approximately 10.082 acres; Land Lot 112, 14th District, Fulton County, Georgia. Owner: Regency Centers, LP; Applicant: Regency Centers, LP by Sharon Gay; NPU-B Council District 8.
ADOPTED AS AMENDED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

10-O-2160 (2) An **Amended** Ordinance by **Zoning Committee** granting a Special
U-10-37 Use Permit under the provisions of Section 16-20B.004 (3) (1) for a Nonresidential Use (office), property located at **1226 Ponce De Leon Avenue, N.E.**, fronting approximately 184 feet on the north side of Ponce De Leon Avenue and approximately 463 feet east of the intersection of Briarcliff Road and Ponce de Leon Avenue. Depth: varies; Area: approximately 0.90 acres; Land Lot 241, 15th District, DeKalb County, Georgia. Owner: DeDe D Ayal; Applicant: DeDe D Ayal; NPU-N Council District 6.
ADOPTED AS AMENDED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

The following Ordinances (03 through 05) were taken as a collective vote.

10-O-1743 (3) An Ordinance by **Zoning Committee** to rezone property from the
Z-10-26 R-3 (Single Family Residential) District to the RG-3 (Residential General-Sector 3) District, for property located at **3459 Roxboro Road, N.E.** Property fronting approximately 75 feet on the north side of Roxboro Road. Depth: varies; Area: approximately 0.43

Council President Ceasar C. Mitchell Presided

COMMITTEE REPORTS (CONT'D)

ZONING COMMITTEE (2)

AARON WATSON, CHAIR

ZONING REVIEW BOARD SUMMARY REPORT ITEMS (CONT'D)

10-O-1743 (3) acres; Land Lot 9, 17th District, Fulton County, Georgia. Owner:
Z-10-26 (Cont'd) Avi Manoah; Applicant: Yasha Heidari; NPU-B Council District 7.
FILED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

10-O-1744 (4) An Ordinance by **Zoning Committee** to rezone property from the
Z-10-27 I-1 (Light Industrial), R-5 (Two Family Residential) and I-2 (Heavy
Industrial) zoning districts to the I-2 (Heavy Industrial) zoning
district, property located at **2100 Forest Park Road, S.E.**,
fronting approximately 395 feet on the east side of Forest Park
Road and a southern boundary of approximately 1020 feet
adjacent to the Southern Railroad. Depth: varies; Area:
approximately 6.0 acres; Land Lot 6, 14th District, Fulton County,
Georgia. Owner: David F. Cooper; Applicant: David F. Cooper;
NPU-Z Council District 1.
FILED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

10-O-2159 (5) An Ordinance by **Zoning Committee** to rezone property from the
Z-10-32B Martin Luther King Landmark District (LD20 Subarea 2) to the C-
1 (Community Business District), property located at **111
Boulevard, N.E.** Property fronts approximately 149.96 feet on the
east side of Boulevard at the southeast corner of Boulevard and
Irwin Street. Depth: approximately 130 feet; Area: approximately
0.454 acres; Land Lot 46, 14th District, Fulton County, Georgia.
Owner: Boulevard, LLC 144; Applicant: Louis J. Passarella; NPU-
M Council District 2.
FILED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

ORDINANCES FOR FIRST READING

**All items For First Reading (01 through 03 as follows) were Referred to the
Zoning Review Board and Zoning Committee as a collective vote.**

11-O-0332 (1) An Ordinance by **Zoning Committee** granting a Special Use
U-11-05 Permit pursuant to Section 16-06.005 (l)(k) of the City of Atlanta
Zoning Ordinance for a Community Center, property located at
1765 Memorial Drive, SE, property fronting approximately 417
feet on the south side of Memorial Drive and southwest corner of
Memorial Drive and Wilkinson Drive. Property has approximately
500 feet of frontage on the east side of Wilkinson Drive.

Depth: Approximately 500 Feet
Area: Approximately 4.63 Acres
Land Lot: 179, 15th District, DeKalb County, Georgia

Council President Ceasar C. Mitchell Presided

COMMITTEE REPORTS (CONT'D)

ZONING COMMITTEE (3)

AARON WATSON, CHAIR

ORDINANCES FOR FIRST READING (CONT'D)

11-O-0332 (1)	Owner:	YMCA of Metropolitan Atlanta, Inc.
U-11-05 (Cont'd)	Applicant:	YMCA of Metropolitan Atlanta, Inc.
	NPU-O	Council District 5

REFERRED TO ZONING REVIEW BOARD AND ZONING COMMITTEE BY A UNANIMOUS ROLL CALL VOTE OF 15 YEAS; 0 NAYS

11-O-0333 (2)	An Ordinance by Zoning Committee granting a Special Use
U-11-06	Permit pursuant to Section 16-07.005 (l)(k) and 16-10.005 (l)(g) of the City of Atlanta Zoning Ordinance for a Community Center, property located at 790 Berne Street, SE , fronting approximately 485 feet on the east side of Berne Street and approximately 291 feet on the north side of Marion Street and approximately 378 feet on the north side of Eloise Street.

Depth:	Varies
Area:	Approximately 4.30 Acres
Land Lot:	22, 14 th District, Fulton County, Georgia
Owner:	Boys and Girls Club of Metro Atlanta
Applicant:	Drew Kinney and Cooper Pierce
NPU-W	Council District 1

REFERRED TO ZONING REVIEW BOARD AND ZONING COMMITTEE BY A UNANIMOUS ROLL CALL VOTE OF 15 YEAS; 0 NAYS

11-O-0334 (3)	An Ordinance by Zoning Committee granting a Special Use
U-11-07	Permit pursuant to Section 16-07.005(l)(k) & (l) of the City of Atlanta Zoning Ordinance for a Private School and Community Center, property located at 442 14th Street, NW , fronting approximately 243 feet on the south side of 14 th Street beginning 30 feet from the southeast corner of Snyder and 14 th Street.

Depth:	Approximately 471.88 Feet
Area:	Approximately 3.42 Acres
Land Lot:	149, 17 th District, Fulton County, Georgia
Owner:	M. O. Tomeh
Applicant:	Johnny Edwards
NPU-E	Council District 3

REFERRED TO ZONING REVIEW BOARD AND ZONING COMMITTEE BY A UNANIMOUS ROLL CALL VOTE OF 15 YEAS; 0 NAYS

PERSONAL PAPERS

3/7/11 Action Minutes

Council President Ceasar C. Mitchell Presided

PERSONAL PAPERS

ORDINANCES/ REFERRED

- 11-O-0371 (1) An Ordinance by **Councilmember Howard Shook** authorizing the Chief Financial Officer to amend the FY 2011 (Water and Wastewater Revenue Fund) (5051) and (Water and Wastewater Renewal & Extension) (5052) Budgets in the amount of Nine Hundred Sixty Nine Thousand Four Hundred Fifty Seven and No Cents (\$969,457.00) to transfer funds from the Water and Wastewater Revenue Fund and the Water and Wastewater Renewal and Extension Fund Reserves for appropriations and add to appropriations for Atlanta Journal Constitution ("AJC") building located at **72 Marietta Street** for services; and for other purposes.
REFERRED TO FINANCE/ EXECUTIVE COMMITTEE WITHOUT OBJECTION
- 11-O-0372 (2) An Ordinance by **Councilmembers Yolanda Adrean, Ivory Lee Young, Jr. and Kwanza Hall** to rezone property located at **1300 Mecaslin Street, NW** from the C-4-C (Central Area Commercial Residential-Conditional) to the C-4-C (Central Area Commercial Residential-Conditional) District for the purpose of a change of conditions; to modify the official zoning maps; and for other purposes.
REFERRED TO ZONING REVIEW BOARD AND ZONING COMMITTEE WITHOUT OBJECTION
- 11-O-0439 (3) An Ordinance by **Councilmember Joyce M. Sheperd** amending the 2010 (Community Development Block Grant Fund) Budget by adding to anticipations and appropriations in the amount of Four Million Nine Hundred Six Thousand Seven Hundred Fifty-Eight Dollars and No Cents (\$4,906,758.00) under the United States Department of Housing and Urban Development's Neighborhood Stabilization 3 (NSP3) Program; to create three positions within the Office of Housing to administer the NSP3 Program; and for other purposes.
REFERRED TO COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION
- 11-O-0440 (4) An Ordinance by **Councilmember Joyce M. Sheperd** amending the 2011 Intergovernmental Grant Fund Budget by adding to anticipations and appropriations in the amount of Two Million One Hundred Thousand Dollars (\$2,100,000.00) in grant funds awarded by the U. S. Department of Housing and Urban Development (HUD) and by transferring from and to appropriations in the amount of Two Hundred Thousand Dollars (\$200,000.00) as part of the Lead-Based Paint Hazard Control Grant Program (LBPHC); and for other purposes.
REFERRED TO COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION

Council President Ceasar C. Mitchell Presided

PERSONAL PAPERS (CONT'D)

ORDINANCES/ REFERRED (CONT'D)

- 11-O-0441 (5) An Ordinance by **Councilmembers Joyce M. Sheperd and Cleta Winslow** to impose interim controls on an area of Council District 12 known as “The Murphy Triangle” concerning certain uses which will be incompatible with changes to the zoning map to be proposed within the next year; and for other purposes.
REFERRED TO ZONING COMMITTEE WITHOUT OBJECTION
- 11-O-0442 (6) An Ordinance by **Councilmember Cleta Winslow** making the intersection of Mayland Avenue, SW at Elbert Street, SW an all way stop; and for other purposes.
REFERRED TO TRANSPORTATION COMMITTEE WITHOUT OBJECTION
- 11-O-0445 (7) An Ordinance by **Councilmembers Natalyn M. Archibong, Joyce M. Sheperd and Michael Julian Bond** to amend Section 2-133(a) of the Code of Ordinances of the City of Atlanta entitled “Operations; Procedures” (of Council Committees) so as to require that all official reports received by a Council committee shall be filed with the minutes of that committee; to waive conflicting ordinances and code sections; and for other purposes.
REFERRED TO COMMITTEE ON COUNCIL WITHOUT OBJECTION

RESOLUTIONS/ REFERRED

- 11-R-0373 (1) A Resolution by **Councilmember Carla Smith** to confirm the appointment of Travie Leslie to the Stadium Neighborhoods Tax Allocation District Advisory Committee; and for other purposes.
REFERRED TO COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE AND COMMITTEE ON COUNCIL WITHOUT OBJECTION
- 11-R-0374 (2) A Resolution by **Councilmember Carla Smith** to confirm the appointment of Philippe Pellerin to the Stadium Neighborhoods Tax Allocation District Advisory Committee; and for other purposes.
REFERRED TO COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE AND COMMITTEE ON COUNCIL WITHOUT OBJECTION
- 11-R-0375 (3) A Resolution by **Councilmember Carla Smith** to confirm the appointment of Joshua Murtha to the Stadium Neighborhoods Tax Allocation District Advisory Committee; and for other purposes.
REFERRED TO COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE AND COMMITTEE ON COUNCIL WITHOUT OBJECTION

Council President Ceasar C. Mitchell Presided

PERSONAL PAPERS (CONT'D)

RESOLUTIONS/ REFERRED (CONT'D)

- 11-R-0436 (4) A Resolution by **Councilmember Carla Smith** to confirm the appointment of Bill Ericson to the Stadium Neighborhoods Tax Allocation District Advisory Committee; and for other purposes.
REFERRED TO COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE AND COMMITTEE ON COUNCIL WITHOUT OBJECTION
- 11-R-0437 (5) A Resolution by **Councilmember Michael Julian Bond** to support the administrative process created by the Department of Public Works for citizens to petition the City of Atlanta to create or change parking meter zones previously established according to Chapter 150, Article IV of the Atlanta City Code; and for other purposes.
REFERRED TO TRANSPORTATION COMMITTEE WITHOUT OBJECTION
- 11-R-0438 (6) A Resolution by **Councilmember Joyce M. Sheperd** authorizing the Mayor to enter into contract with Fulton County/ City of Atlanta Land Bank Authority, Inc. in an amount not to exceed Four Million Four Hundred Sixteen Thousand Eighty-Two Dollars and Twenty Cents (\$4,416,82.20) to redevelop abandoned and foreclosed properties under the United States Department of Housing and Urban Development's Neighborhood Stabilization 3 (NSP3) Program; and for other purposes.
REFERRED TO COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION
- 11-R-0443 (7) A Resolution by **Councilmembers Natalyn Mosby Archibong and Howard Shook** authorizing payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$ _____ as stipulated penalties for the violation of CSO Fecal Coliform Operational Standards _____ pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; to identify the source of funding; and for other purposes.
REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION

Council President Ceasar C. Mitchell Presided

PERSONAL PAPERS (CONT'D)

RESOLUTIONS/ REFERRED (CONT'D)

11-R-0444 (8) A Resolution by **Councilmember Yolanda Adrean** to partner with the Georgia Department of Revenue in an effort to ensure proper payment of sales tax; and for other purposes.

Councilmember Adrean sounded **Resolution 11-R-0444** and made a **Motion to Adopt**. It was properly **Seconded** and a discussion ensued, during which, **Councilmember Smith** made a **Substitute Motion to Refer** the resolution to the **Finance/ Executive Committee**. It was properly **Seconded** and **CARRIED** by a unanimous roll call vote of 15 yeas; 0 nays.

REFERRED TO FINANCE/ EXECUTIVE COMMITTEE BY A UNANIMOUS ROLL CALL VOTE OF 15 YEAS; 0 NAYS

ADJOURNMENT

Council President Ceasar C. Mitchell Presided

ADJOURNMENT

There being no further business to discuss, the March 07, 2011 meeting of the Atlanta City Council was adjourned at 3:08 p.m.

ADJOURNMENT ROLL CALL: Council President Ceasar C. Mitchell (1); Councilmembers Smith, Hall, Young, Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd, Bond, Watson and Willis (15).